



**Porter County Board of Zoning Appeals
Regular Meeting Minutes
February 21, 2018**

The regular meeting of the Porter County Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, February 21, 2018 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Marvin Brickner presided.

Members present were: Marvin Brickner, Mike Young, Luther Williams, and Bob Poparad. Also present were Attorney Scott McClure, Kristy Marasco, Monica Gee, Helene Pierce, citizens, and representatives of the press.

MINUTES:

Luther Williams made a motion to approve the January 17, 2018 meeting minutes as submitted. Bob Poparad seconded the motion. A voice vote was taken and unanimously carried 4-0.

CORRESPONDENCE:

None.

OLD BUSINESS:

UV-13-0003 – Indiana Furniture Showcase, c/o Dale Bagnall, 338 South State Road 49, Valparaiso, IN, in the Morgan Township in the A1, General Agriculture District. Motion to deny, the petitioner is no longer in need of the Use Variance permitting the storage of company vehicles inside an accessory structure connected with a furniture business.

Marvin Brickner noted that any current outside storage needs to be moved inside and should be a condition of the motion.

Motion: Michael Young made a motion to deny UV-13-0003 with the condition that any current outside storage is moved inside. Luther Williams seconded the motion. A voice vote was taken and unanimously carried 4-0.

NEW BUSINESS:

SE-18-0002 – Cellusite, LLC, c/o Derek McGrew, County Road 1000 South east of Route 2, Hebron, in Boone Township in the A1, General Agriculture District. The petitioner is seeking a Special Exception Variance to allow the construction of a new telecommunication facility. Mr. Derek McGrew presented. Cellusite, LLC is proposing a new 180-foot monopole tower to fill a coverage gap on Route 2. There are no towers within two miles and we meet all the requirements.

Public Hearing: Marvin Brickner asked if any of the public would like to speak in favor of or in opposition of this petition. Marvin Brickner also asked that the public address their questions to the BZA while at the same time the petitioner will take notes and respond at one time.

Mr. Joe Krinkovich, 676 West 1000 South, Hebron states he has a very nice tranquil view now and does not want to have to look at a cell tower. This will affect our property values. Will there be lights on this tower?

Mr. Robert Hughes, 710 W State Road 2, Hebron, questions where the nearest tower is and is there any other availability besides this location? What is the height requirement for a tower?

Mr. Derek McGrew's rebuttal:

- There will be no lights on the tower.
- Verizon requires 180 feet to put antennas at 175 feet. We are at the minimum requirement.
- Studies show that cell towers do not negatively affect property values. They increase wireless coverage and people want that. People won't invest in an area if they don't have cellular service. Cell towers are more of a utility now and households need them.
- There was no other structure of height within two miles for us to co-locate. The closest tower is in Hebron.

The public hearing was closed and questions/comments were heard from the Members.

Q: Will you have security fencing?

A: We will comply with all requirements.

Q: Are you meeting landscape requirements?

A: Yes.

Motion: Bob Poparad made a motion to approve SE-18-0002 to allow the construction of a new telecommunication facility. Michael Young seconded the motion. A ballot vote was taken and unanimously carried 4-0.

DV-18-0005 – Lamar Advertising/Old Town Suites, LLC, at the south end of S.R. 130 west of 250 West, Valparaiso, in Center Township in the CM, Moderate Intensity Commercial District. The petitioner is seeking a Development Standards Variance for a proposed off-premise advertising sign to allow the following:

- Billboard to be located less than five hundred (500) feet from the nearest property line of any Residential, GW, P1, P2 or IN District an any church, school, historic site, hospital, retirement or nursing home or government building;
- Billboard shall be at least one thousand (1,000) feet from any other billboard on either side of the street, including billboards outside of unincorporated Porter County, and from any highway interchange.

Attorney Todd Leeth presented. Mr. Jim Perry with Lamar Advertising was also present. Lamar Advertising would like to install a new two-sided LED billboard. The sign will be east/west facing and the west side will be LED and the east side will be traditional. The property is a 23-acre parcel west of the Family Express on S.R. 130 and Tower Road or 250 West. The frontage area of the property was rezoned to CM last November. There was a previous Lamar sign that was removed in 2013. There is an existing sign 825 feet from our proposed sign location. We are requesting two variances. One to allow a sign less than five hundred (500) feet from the nearest residential property and a second to allow a sign within one thousand (1,000) feet of another sign. The north side of S.R. 130 is zoned residential but is currently farmland. We are just barely within 500 feet from the two subdivisions in the area and Family Express is in-between and closer to those subdivisions than we are. You will not be able to see our sign from the residential areas. There is another billboard 825 lineal feet from our proposed location. We can't push our sign any further to the east because that is as far as our property goes and as close to the Family Express as the Ordinance allows. We will comply with the Ordinance requirements to retire old signs in order to put a new one.

Public Hearing: Marvin Brickner asked if any of the public would like to speak in favor of or in opposition of this petition. Marvin Brickner also asked that the public address their questions to the BZA while at the same time the petitioner will take notes and respond at one time.

Mr. Don Finley, 376 Larimar Trail, Valparaiso, stated that his questions were answered during the presentation.

The public hearing was closed and questions/comments were heard from the Members.

Q: Are you are far to the east as you can possibly go?

A: Yes, while staying on our property and adhering to the setback line.

Q: The frontage of the property is zoned CM. What is the back of the property zoned?

A: I2.

Q: Four panel signs within the County were or are being taken down to allow for this sign to go up?

A: Yes.

Q: Will there be flashing or anything on the LED side?

A: No, the Ordinance does not allow it and we will comply with the Ordinance requirements.

Q: Why is this location desired?

A: The distribution of signage is the value of this location. Being in route to downtown Valparaiso creates value.

Q: The sign will have a “V” pole?

A: Yes.

Q: The LED side is facing away from the homes?

A: Yes.

Motion: Bob Poparad made a motion to approve DV-18-0005 to allow an off-premise advertising sign allowing a billboard to be located less than five hundred (500) feet from the nearest property line of any Residential, GW, P1, P2 or IN District an any church, school, historic site, hospital, retirement or nursing home or government building; and to be located less than one thousand (1,000) feet from any other billboard. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 4-0.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the February 21, 2018 Board of Zoning Appeals meeting adjourned at 6:10 p.m.

Marvin Brickner, Vice-President

Attest: Kristy Marasco, Assistant Director